

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 STATE OF WASHINGTON,

9 Plaintiff,

10 v.

11 JOHN GRIFFIN HEADRICK,

12 Defendant.

CASE NO. 19-5015 BHS

ORDER WITHDRAWING
REFERRAL, DENYING
DEFENDANT'S MOTION TO
PROCEED *IN FORMA PAUPERIS*,
AND REMANDING

13 This matter comes before the Court on John Griffin Headrick's ("Headrick")
14 motion to proceed *in forma pauperis* and proposed removal. Dkts. 1, 1-2.

15 On May 13, 2019, Headrick filed the motion and proposed removal seeking to
16 remove his state criminal matter from state court to federal court. *Id.* The Clerk referred
17 the motion to United States Magistrate Judge David W. Christel pursuant to Western
18 District of Washington General Order 02-19. *Id.*

19 Upon review of the material, the Court finds that the proposed removal is so
20 frivolous that the referral should be withdrawn and an order immediately remanding the
21 matter should be entered. The Court can deny permission to proceed *in forma pauperis* if
22 the action is frivolous. 28 U.S.C. § 1915(e)(2)(B)(i). The Court finds that this action is

1 frivolous because a defendant facing charges for violations of state criminal statutes may
2 not remove a proceeding from state court to federal court as a federal court does not have
3 jurisdiction over state criminal matters. If Headrick has defenses based on his federal
4 rights, he should present those defenses in state court. Therefore, the Court withdraws
5 the referral, **DENIES** Headrick's motion to proceed *in forma pauperis*, and directs the
6 Clerk to remand the matter to Grays Harbor Superior Court for the State of Washington.

7 **IT IS SO ORDERED.**

8 Dated this 16th day of May, 2019.

9
10 
11

BENJAMIN H. SETTLE
United States District Judge